

PAGE 1 OF 1  
DATE: 30 JUL 2003

RECEIVED

AUG 01 2003

## STATEMENT OF SERVICE

PUBLIC SERVICE  
COMMISSION

I CERTIFY THAT ON 30 JUL 2003 COPIES OF THE RESPONSE OF ROBERT L. MADISON TO LG&E'S OBJECTION TO MY REQUEST FOR FULL INTERVENTION WITH ENCLOSURE AND COPIES OF THE MOTION OF ROBERT L. MADISON TO AMMEND THE PROCEDURAL SCHEDULE WERE MAILED REGULAR MAIL TO:

MR. THOMAS M. DORMAN  
EXECUTIVE DIRECTOR  
PUBLIC SERVICE COMMISSION  
CASE NO. 2003-00266  
211 SOWER BOULEVARD  
P.O. BOX 615  
FRANKFORT KY 40602-0615

LOUISVILLE GAS & ELECTRIC  
ATTN: MICHAEL S. BEER  
VICE PRESIDENT  
RATES AND REGULATORY  
P.O. BOX 32010  
LOUISVILLE KY 40232-2010

LISA S. PORTASIK  
SENIOR CORPORATE ATTORNEY  
LG&E ENERGY CORPORATION  
220 WEST MAIN STREET  
LOUISVILLE KY 40202

ELIZABETH E. BLACKFORD  
ASSISTANT ATTORNEY GENERAL  
1024 CAPITAL CENTER DRIVE, SUITE 200  
FRANKFORT KY 40601-8204

MICHAEL L. KURTZ  
BOEHM, KURTZ & LOWRY  
2110 URS CENTER  
36 EAST SEVENTH STREET  
CINCINNATI OHIO 45202

*Robert L. Madison*

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DATE: 30 JUL 2003

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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IN THE MATTER OF:

INVESTIGATION INTO THE MEMBERSHIP )  
OF LOUISVILLE GAS AND ELECTRIC COMPANY )  
AND KENTUCKY UTILITIES COMPANY IN THE ) CASE NO.2003-00266  
MIDWEST INDEPENDENT TRANSMISSION )  
OPERATOR, INC. )

RESPONSE OF ROBERT L. MADISON TO LG&E OBJECTION TO MY FULL  
INTERVENTION DATED 25 JUL 2003

ENCLOSURE:

1.LG&E POLITICAL ACTION COMMITTEE \$1,000 DONATION TO  
KENTUCKY ATTORNEY GENERAL CHANDLER FOR KENTUCKY GOVERNOR 31  
JAN 2003.

THIS IS THE RESPONSE OF ROBERT L. MADISON TO LG&E'S OBJECTION TO MY  
REQUEST FOR FULL INTERVENTION, DATED 25 JUL 2003. LG&E'S POSITION IS I  
DO NOT MEET THE REGULATORY REQUIREMENTS OF HAVING A SPECIAL  
INTEREST THAT IS NOT OTHERWISE ADEQUATELY REPRESENTED OR MY FULL  
INTERVENTION IS NOT LIKELY TO PRESENT ISSUES OR DEVELOP FACTS THAT  
WILL ASSIST THE COMMISSION WITHOUT UNDULY COMPLICATING OR  
DISRUPTING THE PROCEEDINGS. LG&E ALSO HAS CRITICISM OF MY PAST  
TESTIMONY. LG&E BELIEVES I SHOULD AT MOST BE GRANTED LIMITED  
INTERVENTION.

I BELIEVE I MEET BOTH OF THE STATUTORY REQUIREMENTS OF 807 KAR  
5:001, SECTION 3 (8). I ONLY HAVE TO MEET ONE OF THE TWO TO MEET THE  
LEGAL CRITERIA FOR FULL INTERVENTION. LG&E HAS NOT CRITICIZED MY  
INFORMATION REQUESTS, MY QUESTIONS AT THE HEARING OR THE MOTIONS  
AND BRIEFS I HAVE FILED. THESE ACTIONS, IN THE NUMBER OF CASES I HAVE  
BEEN INVOLVED IN, MEET THE CRITERIA FOR FULL INTERVENTION.

I HAVE TAKEN DIFFERENT POSITIONS THAN THE AG ON ISSUES. I WOULD

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CRITICIZE THE AG FOR NOT BEING MORE INVOLVED IN CASES AND AGREEING TO SOME OF LG&E'S POSITIONS. LG&E AND THE AG HAVE, IN THE PAST, NEGOTIATED POSITIONS THAT ARE NOT IN THE FAVOR OF RESIDENTIAL CUSTOMERS. CONFLICTS EXIST BETWEEN THE TREATMENT OF DIFFERENT CLASSES OF CUSTOMERS. THE AG HAS FREQUENTLY NOT TAKEN A VERY ACTIVE ROLE IN THE CASES I HAVE PARTICIPATED IN.

LG&E HAS DONATED \$1,000 TO ATTORNEY GENERAL CHANDLER'S CAMPAIGN FOR GOVERNOR. (MADISON ENCLOSURE 1, SECOND SECTION WWW.KREF.STATE.KY.US) WITH ONE PARTY IN THIS CASE (LG&E) MAKING A FINANCIAL DONATION TO ANOTHER PARTY IN THIS CASE (AG), THIS RAISES ETHICAL QUESTIONS RELATED TO THE LG&E ARGUMENT AS TO THE ADEQUACY OF REPRESENTATION OF RESIDENTIAL CUSTOMERS BY THE AG.

LG&E STATES ON PAGE 2 OF THEIR OBJECTION:

'MR. MADISON'S INTERESTS AS A CONSUMER OF ELECTRIC SERVICE IS ADEQUATELY AND EFFECTIVELY REPRESENTED BY...THE COMMISSION STAFF.'

I DISAGREE. THE PSC STAFF IS SUPPOSED TO HAVE OPEN AND FAIR PROCEEDINGS WHERE ALL INTERESTED PARTIES CAN EXERCISE THEIR RIGHTS AND MAKE A DECISION BASED ON THE MERITS OF THE ISSUES. AN ANALOGY WITH THE COURTS WOULD BE A JUDGE REPRESENTS THE INTERESTS OF A CRIMINAL DEFENDANT. THIS IS SIMPLY NOT TRUE.

LG&E STATES ON PAGE 2 OF THEIR OBJECTION:

'TO PERMIT HIS [MADISON] INTERVENTION IN THESE CASES 'WILL RESULT IN A PROLIFERATION OF PARTIES, SUBSTANTIAL ADDITIONAL EXPENSE AND WILL UNDULY LENGTHEN THE PROCEEDINGS.'

THE LIKELY OUTCOME IS THAT ONLY THE AG, KIUC AND MYSELF WILL EVEN SUBMIT A FULL INTERVENTION REQUEST. LG&E DOES NOT DESCRIBE WHAT THE ADDITIONAL EXPENSE IS OR WHO WILL INCUR IT. THE PROCEEDINGS USUALLY LAST NO MORE THAN 6 MONTHS AND THE PSC HAS ALREADY ESTABLISHED A PROCEDURAL SCHEDULE. LG&E HAS NOT DESCRIBED HOW I WILL UNDULY LENGTHEN THE PROCEEDINGS. LG&E'S ARGUMENT LACKS MERIT.

ON PAGE 3 OF THEIR OBJECTION LG&E STATES:

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'MR. MADISON'S EDUCATIONAL AND PROFESSIONAL BACKGROUND AS A CARTOGRAPHER AND MAILHANDLER....DEMONSTRATES THAT HE LACKS THE PROFESSIONAL AND TECHNICAL ABILITY AND TRAINING TO PRESENT ISSUES OR DEVELOP FACTS THAT WILL ASSIST THE COMMISSION IN THIS CASE.'

THE STATUTE DOES NOT PLACE ANY EDUCATIONAL, TECHNICAL OR TRAINING REQUIREMENTS FOR FULL INTERVENTION DETERMINATIONS BY THE PSC. THE ADDITION OF DIFFERENT BACKGROUNDS AND PERSPECTIVES IS A POSITIVE ASPECT IN CASES.

LG&E DECLARES ON PAGE 4-5 OF THEIR OBJECTION:

'MR MADISON CLEARLY DOES NOT MEET THE REQUIREMENTS FOR AN EXPERT WITNESS UNDER RULE 702 OF THE KENTUCKY RULES OF EVIDENCE...'

THE RULES OF EVIDENCE DO NOT APPLY TO THE PSC CASES AND THIS IS AN INTERVENTION REQUEST NOT THE PRESENTATION OF TESTIMONY. THE LG&E ARGUMENT IS NOT RELATED TO THE ISSUE.

LG&E, ON PAGE 5 OF THEIR OBJECTION, CRITICIZES MY ORAL AND WRITTEN TESTIMONY FROM PREVIOUS CASES. AGAIN THIS IS AN INTERVENTION REQUEST. THE ARGUMENT IS NOT RELEVANT.

ON PAGE 5 OF THEIR OBJECTION, LG&E QUOTES FROM THE DECISION AND ORDER FROM CASE 2002-00147 WHERE THE PSC REDUCED MY TESTIMONY TO PUBLIC COMMENTS. THIS IS ONE OF THE ISSUES RAISED BEFORE FRANKLIN CIRCUIT COURT IN A CURRENT CASE. IT IS NOT CLEAR IF THIS ISSUE WILL EVEN BE HEARD ON THE MERITS. THE LG&E ARGUMENT IS NOT RELEVANT HERE AND PREMATURE TO AN ISSUE THAT IS BEING LITIGATED.

LG&E ARGUES ON PAGE 6 OF THEIR OBJECTION THAT I SHOULD RECEIVE ONLY LIMITED INTERVENTION. THIS WOULD ENABLE LG&E TO PREVENT MY PARTICIPATION IN ANY DATA REQUESTS, BRIEFS, TESTIMONY, QUESTIONS AT A HEARING, IF THERE IS A HEARING OR PARTICIPATION IN JUDICIAL REVIEW. LG&E'S ARGUMENT IS ONE OF CONTROL AND POWER. THE PSC SHOULD REJECT THIS LG&E ARGUMENT.

ROBERT L. MADISON MOVES THE PSC TO APPROVE MY REQUEST FOR FULL INTERVENTION, SO I HAVE THE OPPORTUNITY TO FULLY PARTICIPATE IN THIS CASE.

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DATE: 30 JUL 2003

SINCERELY,

*Robert L. Madison*

ROBERT L. MADISON

5407 BAYWOOD DRIVE

LOUISVILLE KY 40241-1318

HOME PHONE: (502) 241-5079

**Contribution Total : 155,600.00**

**( 1 - 10 of 149 Shown )**

<p><u>LG&amp;E ENERGY CORP PACE</u>                      P.O. BOX 32010                      LOUISVILLE, KY, 402320000                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$500.00 on 10/21/2002                      KERR, ALICE for                      STATE SENATOR - 12TH DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL ACTION COMMITTEE</u>                      P.O. BOX 32010                      LOUISVILLE, KY, 402320000                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$1,000.00 on 01/31/2003                      CHANDLER, A. for                      SLATE - STATEWIDE</p> <p>MADISON ENCLOSURE 1                      PAGE 1 OF 2                      DATE: 30 OCT 2003</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$200.00 on 08/25/1997                      GREGG, BARBARA for                      ALDERMAN - LOUISVILLE-WARD 2-JEFFERSON</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$200.00 on 09/15/1997                      MAPLE, RUSS for                      COUNTY COMMISSIONER - JEFFERSON-A DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$400.00 on 09/18/1997                      HORLANDER, DENNIS for                      STATE REPRESENTATIVE - 40TH DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$300.00 on 12/26/1997                      ALLEN, WOODY for                      STATE REPRESENTATIVE - 17TH DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$300.00 on 12/26/1997                      BUTLER, DENVER for                      STATE REPRESENTATIVE - 38TH DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$500.00 on 12/29/1997                      CLARK, LAWRENCE for                      STATE REPRESENTATIVE - 46TH DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$500.00 on 01/07/1998                      MARZIAN, MARY for                      STATE REPRESENTATIVE - 34TH DISTRICT</p>
<p><u>LG&amp;E ENERGY CORP POLITICAL AWARENESS &amp; CIVIC EDUCATION CMTE (LOUPACE)</u>                      PO BOX 32010 / 220 WEST MAIN STREET                      LOUISVILLE, KY, 40232                      Employer :                      Occupation :</p>	<p>KY PAC Contribution                      \$200.00 on 04/30/1998                      BENTLEY, DENISE for                      ALDERMAN - LOUISVILLE-WARD 9-JEFFERSON</p>

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MADISON ENCLOSURE 1  
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**Kentucky Registry of Election Finance**  
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Regular Hours of Operation: 8:00 am - 4:30 pm

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

INVESTIGATION INTO THE MEMBERSHIP )  
OF LOUISVILLE GAS AND ELECTRIC COMPANY )  
AND KENTUCKY UTILITIES COMPANY IN THE ) CASE NO.2003-00266  
MIDWEST INDEPENDENT TRANSMISSION )  
OPERATOR, INC. )

MOTION OF OF ROBERT L. MADISON TO AMMEND PROCEDURAL SCHEDULE  
AND RESPONSE TO LG&E MOTION TO AMMEND PROCEDURAL SCHEDULE  
DATED 25 JUL 2003

THIS IS THE BEGINNING OF THE MOTION.

ROBERT L. MADISON MOVES THE PSC TO:

1.HAVE 14 DAYS BETWEEN THE DATE THAT LG&E'S DIRECT TESTIMONY IS DUE  
AND THE DATE THE FIRST DATA REQUEST TO LG&E IS DUE.

2.DO NOT HAVE 13 OCT 2003 AS A DUE DATE. THIS IS A HOLIDAY, COLUMBUS  
DAY.

THIS IS THE END OF THE MOTION.

THE FOLOWING ARE THE REASONS FOR THE MOTION:

MORE TIME IS NEEDED TO PREPARE THE INITIAL DATA REQUEST THAN LG&E'  
MOTION PERMITS. THE ORIGINAL PSC SCHEDULE HAD 12 DAYS, THE LG&E  
MOTION 10 DAYS. LG&E USUALLY PROVIDES COPIES OF THE DOCUMENTS FROM  
1-3 DAYS AFTER IT IS FILED WITH THE COMMISSION. SINCE LG&E'S DIRECT  
TESTIMONY MAY BE DETAILED, MORE TIME IS NEEDED TO RECEIVE, REVIEW  
THE TESTIMONY AND PREPARE A DATA REQUEST.

A HOLIDAY FOR A DUE DATE SHOULD BE AVOIDED. LG&E MOTION HAS 13  
OCT 2003, COLUMBUS DAY, AS THE DATE FOR LG&E'S RESPONSE TO INITIAL

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DATA REQUESTS. THIS REDUCES BY ONE DAY THE TIME FOR THE INTERVENORS TO RECEIVE, REVIEW AND PREPARE SUPPLEMENTAL DATA REQUESTS.

SINCERELY,

*Robert L. Madison*

ROBERT L. MADISON

5407 BAYWOOD DRIVE

LOUISVILLE KY 40241-1318

HOME PHONE: (502) 241-5079